

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

**FILED**

JAN 13 2015

WILLIAM and ARLEIN HEIN,

Plaintiffs,

vs.

UNITED STATES OF AMERICA,  
DEPARTMENT OF THE INTERIOR,  
STATE OF MONTANA, and all other  
Persons, unknown, claiming or who  
might claim any right, title, estate, or  
interest in or lien or encumbrance upon  
the real property described in the  
complaint adverse to Plaintiff's title,  
whether the claim or possible claim is  
present or contingent,

Respondents.

CV 14-55-BLG-SPW Clerk, U S District Court  
District Of Montana  
Billings

OPINION and ORDER

Before the Court are United States Magistrate Judge Carolyn Ostby's Findings and Recommendations filed on December 4, 2014. In the Findings and Recommendations, Judge Ostby recommends that this Court grant the Defendant State of Montana's motion to dismiss and deny Plaintiffs William and Arlein Hein's motion for certification of question of state law.


Pursuant to 28 U.S.C. § 636(b)(1), the parties were required to file written objections within 14 days of the filing of Judge Ostby's Findings and Recommendations. No objections were filed. When neither party objects, this

Court must still review Judge Ostby's conclusions for clear error. Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendations, this Court does not find that Judge Ostby committed clear error.

Accordingly, IT IS HEREBY ORDERED:

1. Judge Ostby's Findings and Recommendations (Doc. 21) are ADOPTED IN FULL.
2. The State of Montana's Motion to Dismiss (Doc. 6) is GRANTED.
3. Plaintiff William and Arlein Hein's motion for certification of question of state law (Doc. 14) is DENIED.

DATED this 12<sup>th</sup> day of January 2015.

  
SUSAN P. WATTERS  
United States District Judge